

PROB 12C
(7/93)

Report Date: January 12, 2012

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAN 12 2012

JAMES R. LARSEN, CLERK
DEPUTY
COURT CLERK**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Gabriel J. Kindness

Case Number: 2:09CR02099-001 & 2:11CR00118-001

Address of Offender: [REDACTED] Wapato, WA 98951

Name of Sentencing Judicial Officer:

2:09CR02099-001: The Honorable William Fremming Nielsen, Senior U.S. District Judge

2:11CR00118-001: The Honorable Cynthia Imbrogno, U.S. Magistrate Judge

Date of Original Sentence: 2:09CR02099-001: 05/11/2010

2:11CR00118-001: 08/08/2011

Original Offense:

2:09CR02099-001 Possession of Unregistered Firearm, 26 U.S.C. § 5861

2:11CR00118-001 Obstruction of Court Orders, 18 U.S.C. § 1509

Original Sentence:

Type of Supervision: Supervised Release

2:09CR02099-001 Prison - 24 Months;

TSR - 36 Months

2:11CR00118-001 Prison - 4 Months;

TSR - 12 Months

Asst. U.S. Attorney: AUSA

Date Supervision Commenced: 11/23/2011

Defense Attorney: Federal Defender's Office

Date Supervision Expires:

2:09CR02099-001: 11/22/2014

2:11CR00118-001: 11/22/2012

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

- 1 **Standard Condition # 2:** The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first 5 days of each month.

Supporting Evidence: Mr. Kindness has failed to submit his monthly report form within the first 5 days for the months of December 2011, and January 2012.

- 2 **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

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Supporting Evidence: Mr. Kindness has failed to resolve outstanding warrants from Spokane Municipal Court, case number N00028845 and N00028846.

On November 28, 2011, Mr. Kindness was advised he had outstanding warrants. The defendant was directed to get these warrants resolved, to which he agreed to do so. On December 14, 2011, Mr. Kindness was again reminded he needed to take care of his warrants to which he again indicated he would take care of them before the end of the week. As of January 11, 2012, Mr. Kindness has yet to resolve the Spokane Municipal Court outstanding warrants as directed.

- 3 **Standard Condition # 6:** The defendant shall notify the probation officer at least 10 days prior to any change in residence or employment.

Supporting Evidence: Mr. Kindness has failed to report a change of address as of January 11, 2012.

On January 11, 2012, this officer made an attempt to contact Mr. Kindness via his telephone. After being unsuccessful in reaching the defendant, this officer spoke with Mr. Kindness' father. According to the defendant's father, Mr. Kindness has not been staying at his residence. He advised the defendant will come home, eat, shower then leaves his residence. The defendant's father reported Mr. Kindness does not tell him of his whereabouts and he does not know how to get in touch with him. The defendant's father still believes Mr. Kindness is in the Wapato, Washington, area.

- 4 **Special Condition # 17:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Kindness has failed to obtain a drug and alcohol evaluation at Merit Resource Services (Merit) as directed as of January 11, 2012.

On November 28, 2011, Mr. Kindness was directed to obtain a drug and alcohol evaluation at Merit. Throughout his supervision, the defendant has been reminded to obtain the evaluation. Mr. Kindness was last reminded of this requirement on December 14, 2011. Mr. Kindness has yet to obtain this assessment as directed.

- 5 **Special Condition # 18:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kindness has failed to submit to a random urinalysis test on December 13, 19, 22, 2011, and January 10, 2012.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/12/2012

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

1/12/12

Date